

Sutton Planning Board
Minutes
April 23, 2012

Present: W. Whittier(Acting Chairman), R. Largess, D. Moroney, T. Connors, J. Anderson
Staff: J. Hager, Planning Director

General Business:

Minutes:

Motion: To approve the minutes of 4/2/12, D. Moroney
2nd: T. Connors
Vote: 5-0-0

Motion: To approve the minutes of 4/9/12, D. Moroney
2nd: T. Connors
Vote: 5-0-0

Form A Plans: None.

Filing: National Grid Maintenance Facility Amendments – 1152 Main Street Nbge. – The Board accepted the legal filing of this amendment to a previously approved plan that reduces the size of the building but adds a fueling location.

Correspondence/Other: Neil Crites, Manager of Manchaug Mills, was present to ask the Board for a waiver of site plan review to bury the five existing propane tanks underground a short distance from the existing tanks. They intend to landscape the areas where the tanks will be buried and put in some picnic tables. The site of the existing tanks will be converted to more parking for company vehicle that stay on the site at night. Mr. Crites has already met with the Building Commissioners and Fire Chief.

Motion: To waive site plan review for relocation of the five propane tanks behind Manchaug Mills per the plans submitted with the receipt of all other required approvals, R. Largess
2nd: D. Moroney
T.Connors asked if the additional parking was surfaced. N. Crites noted while they may re-pave in the future, the surface material where the new spaces will be is currently concrete and pavement grindings.
Vote: 5-0-0

Public Hearing – Proposed Bylaw Change – Accessory Apartments

R. Largess read the hearing notice as it appeared in The Chronicle.

Doreen and Charles Evangeline of 10 Wunchel Drive were present to discuss the petition they submitted to amend the bylaws relative to accessory apartments to allow them to be detached. They noted their request is partially selfish as they need to move their parents into their home and would like them to have their own space, but the topography of their lot will not allow an attached structure. They did a survey of other towns and noted that Harvard, Northborough, Boylston and Douglas allow detached accessory apartments. They also noted in the bigger picture this type of unit serves the aging population particularly in tough economic times.

They added that as they respect the existing aesthetic considerations, including that the unit retain a single family use appearance, the remainder of the existing regulation will stay the same.

R. Largess noted that so far the proposal seems to make sense. He noted that however, the Board and the Town need to think carefully about the ripple effects of a bylaw change. He noted the bylaw was originally formulated in response to safety concerns. In the case of a medical call or fire, it's vital that safety crews know how many people are in a structure and how to get to them.

D. Moroney noted the reason the current bylaw has attached units is it preserves the continuity of a family unit and has less rental possibility.

T. Connors supported the change. He stressed none of the other standards are proposed to be changed just the requirement that forces people to put up a façade that connects the units.

J. Anderson agreed with T. Connors but questioned whether 75' was the right number. He also had some questions about whether the requirement that the accessory apartment be a part of the accessory structure was specific enough to make sure people understand that the intent is that it cannot be its own accessory building. There is a garage or a barn and a part of it can be this apartment.

W. Whittier noted he had no new comments.

Robert Recore of 302 Boston Road felt the proposed change was a wise one. He noted 1,976 residents, about 25% of Sutton's population, is over 60. Alternative housing types are needed.

Tammy Blakesley of Eight Lots Road was most concerned that the units maintain the appearance of a barn or garage and not look like two houses and that the accessory residential unit meet all safety codes. She felt the 75' should be eliminated.

Robert Nunnemacher of 24 Singletary Avenue noted a separate number is not currently assigned to accessory units so emergency calls currently just go to the main home, so perhaps that needs to be fixed. He noted it's very important that access to the unit be safe and adequate. He questioned whether the Board didn't already have the ability to waive the attachment requirement.

David Fields of Boston Road noted he has an accessory unit and had to notify fire and police that there is a separate living unit at his location.

D. Moroney agreed the 75' restriction is not necessary. He noted that the need to hook the unit into power, septic and water will control how far the unit will be from the main home.

Motion: To recommend that Town Meeting approve the petitioned bylaw amendment allowing detached accessory apartments, D. Moroney

2nd: T. Connors

There was more discussion about the requirement that the unit be within 75' of the main structure.

Motion: To amend the motion eliminating the 75' requirement, D. Moroney

2nd: T. Connors

Vote: 5-0-0

Motion: To close the public hearing, T. Connors
2nd: D. Moroney
Vote: 5-0-0

Public Hearing – Public Shade Tree Law – 16 & 22 Jared Drive

The Acting Chairman noted the continuation of this public hearing will not see the mayhem that occurred at the last meeting. Only one person may speak at a time through the Chairman.

Applicant Dana Mercure apologized for his part in that mayhem. He provided the following info relative to concerns expressed at the last meeting: The Police Chief visited the site and saw no visibility issue with the proposed movement of the tree near the stop sign to a new position to the right of his driveway. He noted contrary to a statement at the last meeting the trees were not planted alternating shade and ornamental, they actually have no specific order/pattern at all. In response to comments that the movement of the trees would negatively affect aesthetics in the neighborhood, he noted out of 19 homeowners in the neighborhood, 17 letters of support have been received. He presented several letters that were not previously in the public record. He also reiterated that while there were concerns with relocating trees that are somewhat established, he knows if the trees die he has to replace them with equal sized trees.

In response to questions J. Hager noted the tree on Mr. Litchfield's yard is alive and well although smaller than other trees in the area. She is hopeful the developer will agree to replace any trees that were planted in the range of a year or less. She added after looking at the approved subdivision plan vs. the AsBuilt plan it is clear the trees were not planted specifically where the definitive plans show them although there is still the same overall number of trees.

R. Largess stated he does not care what type of trees are in the Right of Way he just wants the same number and size.

D. Moroney stated he is fine with the request as it does not significantly change the look of the neighborhood.

T. Connors noted neighborhoods like this are designed for the good for the whole neighborhood. Even though 17 owners don't care about this particular request, the Board has to think town wide. Allowing a resident to decide they don't like a public tree for their own reasons and letting them remove/move public shade trees is detrimental to the Town.

J. Anderson agreed stating the Board needs to look at the bigger picture and the precedent that's being set. This decision could open up issues town-wide.

W. Whittier noted he drove down to look at the trees. While replacing trees in this neighborhood may not be that difficult, if the Board receives a similar request from an older neighborhood for a larger tree of larger caliper, replacement can't be done.

Nicole Pattison of 38 Jenna Lane stated the trees were installed in November of 2010. She reasserted her concern that if Mr. Mercure shifts his trees a large gap will be created along Jenna Lane.

John Pattison of 38 Jenna Lane noted there is a significant difference in the size of trees that are there and the 3rd grader sized trees that Mr. Mercure has in his yard that he intends to plant. He stated he just feels creating a long stretch of road with no trees will look awkward.

Jen Graham of 48 Jenna Lane noted while she does understand the Board's concern with precedent, she felt even if Dana plants slightly smaller trees, in a few years they will be of nearly equal size.

Greg Rosso of 49 Jenna Lane expressed his support for the proposal.

Nicole Patterson noted 2 ½ to 3" caliper trees that are about 15' tall are the Town requirement and anything Mr. Mercure proposes in the Town's ROW should meet this requirement.

Tree Warden Joe Camarra noted existing trees are properly spaced and balanced. He would recommend leaving existing trees alone and having the developer replace dead trees. He agreed there could be a significant ripple effect town-wide.

Motion: To allow the shade tree request, D. Moroney
2nd: R. Largess

J. Hager noted the Board needs to be specific about exactly what changes they are allowing. Mr. Mercure specified he would move the existing pear from Jenna Lane to Jared, 20' from the transformer, he will move the tree at the stop sign down Jared next to his driveway, he will move the oak from Jared to either replace a dead tree across the street or to fill a gap around the corner on Jenna Lane cul-de-sac (he noted the resident whose house this tree would be moved in front of is fine with this plan) and lastly he will plant 6 new pear trees along the Jenna Lane side of his lot the two on either end will be larger to meet the Town regulations and will be placed in the ROW the other four will be smaller and placed on his property evenly spaced between the two larger trees.

N. Pattison stated as Mr. Mercure now proposes four regulations sized trees fairly evenly spaced in the ROW, she is now supportive of the plan.

T. Connors asked what happens if Mr. Mercure completes this work, then moves and the trees die? He asked if the Board would require a bond? The majority of the Board did not feel a bond was necessary.

J. Anderson expressed continued concerns with another neighbor coming in in six month wanting changes on their lot. He said he did not agree with this "horse trading" for personal aesthetic reasons.

Vote: 3-2-0 – motion passes

Motion: To close the hearing, T. Connors
2nd: D. Moroney
Vote: 5-0-0

Filing: Retreat lot and common drive – 65 Century Farm Road – J. Hager noted that Engineer Mark Allen asked the Board for a determination on whether the upland requirement for a retreat lot is 48,000 s.f. which is 60% of the R-1 required lot area, or 144,000 s.f. which is 60% of the required lot size for a retreat lot. He noted there is no apparent reason why a retreat lot would require more land area for the house well and septic than a standard house lot as the use is identical. The 48,000 s.f. contiguous upland requirement is more than adequate for a home, well and septic including required septic reserve area. The language technical says "60% of the required lot area of the underlying zoning district" The Board asked R. Nunnemacher for his input and he stated the wording would suggest the 48,000 is what is required. There is likely no engineering need for 3.3 acres of upland for a single family home.

April 24, 2012
Page 5

Motion: To Adjourn, R. Largess
2nd: D. Moroney
Vote: 5-0-0

Adjourned 8:50 PM